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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,002

07/24/2006

Dominique Trinquet

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP

551 FIFTH AVENUE

SUITE 1210

NEW YORK, NY 10176

EXAMINER

HAUPT, KRISTY A

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,002	<b>Applicant(s)</b> TRINQUET ET AL.	
	<b>Examiner</b> KRISTY A. HAAPT	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/26/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to Application 10/551,002 filed 7/24/06. claims 1-10 are pending with claim 1 in independent form.

#### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gobburu et al. US 2002/0060246 A1.

Gobburu teaches:

With respect to claim 1, a device for displaying a bar code to represent a multiple-use consumption ticket in respect of a product or service, the device comprising a terminal comprising:

- Communication means adapted to receive a message containing order data in respect of said product or service (Figure 25 and Page 5, Paragraph 0050)
- Graphical output means adapted to represent said multiple-use consumption ticket in the form of a bar code (Figures 8, 12, 22, 23; Page 4, Paragraph 0048; Page 9, Paragraph 0075)
- Means for storing said order data, an indicator of use of the multiple-use consumption ticket, and data relating to the terminal and to the user (Page 4, Paragraph 0047 where the order data is stored locally on phone in the 'My Transactions' database; Page 5, Paragraph 0050; Page 12, Paragraph 0092; Figure 14; Figure 19)
- A module for transferring order data received by said communication means to said storage means (Figure 25 and Page 13, Paragraph 0102)
- A bar code generation module adapted to generate a bar code representing the product or service ordered based on the order data, the use indicator, and the data relating to the user (Figure 27; Page 7, Paragraph 0059; Abstract)
- An image conversion module adapted to supply said consumption ticket to the graphical output means of the terminal by converting the bar code

generated by the bar code generation module as a function of the data relating to the terminal (Figures 8, 12, 22, 23; Figure 27; Page 4, Paragraph 0048; Page 9, Paragraph 0075)

With respect to claim 2 and incorporating all limitations of claim 1:

- Wherein the multiple-use ticket is a season ticket for a given number of uses, said use indicator constitutes means for counting the number of uses (Figure 19; Page 12, Paragraph 0092)

With respect to claim 3 and incorporating all limitations of claim 1:

- Wherein the multiple-use ticket is a fixed charge ticket for a given period of use, said use indicator is an expiry date of said fixed charge (Figure 19; Page 9, Paragraph 0076; Page 12, Paragraph 0092)

With respect to claim 4 and incorporating all limitations of claim 3:

- Wherein the bar code generated by said bar code generation module includes information relating to the date of generation of said bar code (Figure 19; Page 12, Paragraph 0092)

With respect to claim 5 and incorporating all limitations of claim 4:

- Wherein said bar code also includes information relating to a validity period (Figure 19; Page 12, Paragraph 0092 where the issue date and

Art Unit: 2876

expiration date are shown, therefore the validity period is the period between the issue date and the expiration date)

With respect to claim 6 and incorporating all limitations of claim 1:

- Wherein said transfer module is adapted to notify the user of a consumption ticket order data reception message and to receive an instruction for action from the user (Page 2, Paragraph 0015; Page 6, Paragraph 0055 and Page 7, Paragraph 0061)

With respect to claim 7 and incorporating all limitations of claim 6:

- Wherein said action is the consumption, transfer, exchange or cancellation of the consumption ticket (Page 7, Paragraph 0061 and Page 9, Paragraphs 0077-0078)

With respect to claim 8 and incorporating all limitations of claim 1:

- Wherein said terminal includes a watchdog module adapted to detect the reception of a message containing order data and to store said message in an inbox of the terminal, the transfer module being adapted to transfer the order data of the message from the inbox to said storage means (Page 11, Paragraph 0088 and Page 13, Paragraph 0102)

Art Unit: 2876

With respect to claim 10 and incorporating all limitations of claim 1:

- Wherein said terminal is a mobile telephone and the graphical output means are a graphical display screen (Page 4, Paragraph 0048 and Page 5, Paragraph 0053)

***Allowable Subject Matter***

4. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of the claims:

With respect to claim 9:

- Where at least the bar code generation module and the image conversion module constitute a unit that is out of circuit in the terminal in the absence of a user action

The prior art of record fails to provide sufficient teaching or motivation to one of ordinary skill in the art to provide the additionally recited features of these claims in the combinations as claimed.

***Examiner's Note***

The Examiner has cited particular column and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the Prior Art or disclosed by the Examiner.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTY A. HAUPT whose telephone number is (571)272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. A. H./  
Examiner, Art Unit 2876

/Michael G Lee/  
Supervisory Patent Examiner, Art Unit 2876